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SENATE

{ REPORT
106-209

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 1999

NOVEMBER 2, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Nature
Resources, submitted the following

REPORT

[To accompany S. 1569]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1569) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, between lines 14 and 15, insert the following:

“SEC. 3. DESIGNATION FOR STUDY.”

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276a) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

“(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.”.

2. On page 2, strike line 15 and insert the following:

“SEC. 4. STUDY AND REPORT.”

3. On page 3, strike line 13 and insert the following:

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.”

PURPOSE OF THE MEASURE

The purpose of S. 1569, as ordered reported, is to authorize the Secretary of the Interior to study the Taunton River in the Commonwealth of Massachusetts for potential addition to the National Wild and Scenic Rivers System.

BACKGROUND AND NEED

The Taunton River is located in southeastern Massachusetts about 30 miles south of Boston. Much of the river corridor is forested or in agricultural use. Residential development is sparse along the river with the exception of the section in the city of Taunton. There are no dams or major diversions along its 40-mile length. The Nemasket River is a major tributary and it too does not contain development along its length, except in downtown Middleboro, Massachusetts.

The watershed for the Taunton River encompasses about 530 square miles, the second largest in Massachusetts. The river is home to more than 100 species of birds, including the American bald eagle. Also, about 30 species of native fish, including the brown trout and rare Atlantic sturgeon, can be found in waters of the lower Taunton.

The Taunton River Stewardship Program was formed in 1996 to promote the preservation of riverfront land along the river and its tributaries. This program involves riverfront landowners, local citizens, businesses, community planners, elected officials and others. The Southeastern Regional Planning and Economic Development District, Wildlands Trust of Southeastern Massachusetts and the Taunton River Watershed Alliance have been key players in efforts to preserve the open spaces near the river.

LEGISLATIVE HISTORY

S. 1569 was introduced by Senators Kerry and Kennedy on September 8, 1999. The subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 1569 on October 13, 1999.

At its business meeting on October 20, 1999, the Committee on Energy and Natural Resources ordered S. 1569, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on October 20, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1569, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 1569, the Committee adopted an amendment clarifying the segment of the Taunton River to be studied as well as two technical amendments.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Taunton River Wild and Scenic River Study Act of 1999".

Section 2 contains congressional findings that the Taunton River contains important natural, historic and cultural resources; that there is strong support from State and local officials and area residents for a study; and that there is longstanding interest among State and local officials, area residents and river users for a cooperative effort to manage the river.

Section 3 amends section 5(a) of the Wild and Scenic Rivers Act (authorizing studies) to make conforming changes and to add a paragraph for the segment of the Taunton River to be studied.

Section 4 amends section 5(b) of the Wild and Scenic Rivers Act to make conforming changes and require the Secretary of the Interior to complete a study within 3 years after the enactment of this paragraph. A report must be submitted to Congress describing the results of the study.

Section 5 authorizes the appropriation of such funds necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1569. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 1569, as ordered reported.

EXECUTIVE COMMUNICATIONS

The legislative report received by the Committee from the Department of the Interior setting forth the Executive agency recommendation relating to S. 1569, is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 15, 1999.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your request for views on S. 1569, a bill to amend the Wild and Scenic Rivers Act

by designating the Taunton River for study and potential addition to the Wild and Scenic Rivers System.

The Department supports enactment of this bill, but recommends a technical amendment that adds a description of the river segment to be studied.

The Taunton River is located in southeastern Massachusetts in Plymouth and Bristol counties. The Taunton and its tributaries form the second largest watershed in the Commonwealth of Massachusetts. A broad coastal river, the Taunton was too flat and shallow for 19th-century mill development, or for use by motorized pleasure boats today. Despite its proximity to Boston and Providence, it has quietly pursued its 45-mile course, undisturbed by any threat of development. The river and its tributaries contain extensive wetlands and meander through highly varied and intact habitats. Several state-listed species of freshwater mussel are found in the river, and it provides ample recreational opportunities for canoeists. While it is not on the Nationwide Rivers Inventory, the Department believes that the Taunton River's relatively pristine condition and its natural and recreational resources warrant its consideration for study as an addition to the National Wild and Scenic Rivers System.

At the request of local advocates, the National Park Service through its Rivers, Trails and Conservation Assistance Program has been working with area residents since 1997 on the preparation of a comprehensive natural resources assessment for the Taunton River. There appears to be strong support for protecting the river system, as evidenced by the variety of state and municipal agencies and officials that have participated in this effort. In addition, area residents submitted a request last year nominating the Taunton River as an American Heritage River. While American Heritage River designation does not in and of itself provide any legal protections for the river, the process of applying for that designation shows an interest on the part of the Taunton River's advocates for its recognition and protection. While that request was not fulfilled, local interest in protecting the river has not subsided.

A study of a river to determine if it meets the criteria for designation of a wild and scenic river is the necessary first step to designating a river or a portion of a river as a unit of the National Wild and Scenic Rivers System. The Department believes that the Taunton River should be studied and evaluated. A study of the river from the confluence of the Town River and Matfield River in Bridgewater to the confluence of the Taunton with the Forge River in Raynham, Massachusetts, is warranted and has strong local support. The Department believes that a study of this river offers the NPS an opportunity to provide assistance in the cooperative development of a river management plan that relies on state and local conservation measures to protect the river and its resources. Such assistance would be contingent on available funding and NPS priorities.

The Department, however, does recommend that the bill be amended to define the river segment to be studied.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD J. BARRY,
*Assistant Secretary for Fish and
 Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing rules of the Senate, changes in existing law by S. 1569, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman);

(Public Law 90-542, October 2, 1968)

* * * * *

SEC. 5. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * *

(135) RIO GRANDE, NEW MEXICO.—The segment from the west section line of Section 15, Township 23 North, Range 10 East, downstream approximately 8 miles to the southern line of the northwest quarter of Section 34, Township 23 North, Range 9 East.

[()¹](136) WEKIVA RIVER, FLORIDA.—(A) The entire river.

(B) The Seminole Creek tributary.

(C) the Rock Springs Run tributary.

(137) *TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.*

(b)(1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: *Provided*, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act, whichever is earlier. Studies of the river named in paragraphs (38), (55), (83), and (87) shall be completed and the reports transmitted to the Congress not later than January 1, 1987.

* * * * *

(9) The study of the Pemigewasset River, New Hampshire, shall be completed and the report thereon submitted not later than three years after the date of enactment of this paragraph.

[(8)²](10) The study of the river named in paragraph (106) of subsection (a) shall be completed not later than three years after the date of enactment of this paragraph. In carrying out the study, the Secretary of the Interior shall consult with the Governors of the States of Florida and Georgia or their representatives, representatives of affected local governments, and owners of land adja-

cent to the river. Such consultation shall include participation in the assessment of resource values and the development of alternatives for the protection of those resource values, and shall be carried out through public meetings and media notification. The study shall also include a recommendation on the part of the Secretary as to the role the States, local governments and landowners should play in the management of the river if it were designated as a component of the National Wild and Scenic Rivers System.

(11)³ The study of the Lamprey River, New Hampshire, shall be completed by the Secretary of the Interior and the report thereon submitted not later than 3 years after the date of enactment of this paragraph

~~[(11)]~~(12)(A) The study of the White Clay Creek in Delaware and Pennsylvania shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph.

(B) In carrying out the study, the Secretary of the Interior shall prepare a map of the White clay Creek watershed in Delaware and Pennsylvania, and shall develop a recommended management plan for the White Clay Creek. The plan shall provide recommendations as to the protection and management of the White Clay Creek, including the role the State and local governments, and affected landowners, should play in the management of the White Clay Creek if it is designated as a component of the National Wild and Scenic Rivers System.

(C) The Secretary shall prepare the study, including the recommended management plan, in cooperation and consultation with appropriate State and local governments, and affected landowners.

~~[(11)]~~ (13) The study of segments of the Brule, Carp, Little Manistee, White, Paint,, Presque Isle, Ontonagon, Sturgeon (Hiawatha), Sturgeon (Ottawa), Whitefish, and Tahquamenon Rivers in Michigan under subsection (a) shall be completed by the Secretary of Agriculture and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph. For purposes of such river studies, the Secretary shall consult with each River Study Committee authorized under section 5 of the Michigan Scenic Rivers Act of 1990, and shall encourage public participation and involvement through hearings, workshops, and such other means as are necessary to be effective.

~~[(11)]~~ (14)(A) The study of the Delaware River segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System pursuant to section 5(a)() of this Act shall be completed and the report submitted to Congress not later than one year after the date of enactment of this paragraph.

(B) The Secretary shall—

(i) prepare the study in cooperation and consultation with appropriate Federal, State, regional, and local agencies, including but not limited to, the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection and Energy, the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, and the Delaware and Raritan Canal Commission; and

(ii) consider previous plans for the protection of affected cultural, recreational, and natural resources (including water sup-

ply and water quality) and existing State and local regulations, so as to avoid unnecessary duplication.

(C) Pursuant to section 11(b)(1) of this Act, the Secretary shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New Jersey, to the Southern boundary of Bucks County, Pennsylvania.

[()¹] (15) The study of the Rio Grande in New Mexico shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph.

[()] (16) The study of the Wekiva River and the tributaries designated in paragraph () of subsection (a)² shall be completed and the report transmitted to Congress not later than two years after the date of the enactment of this paragraph.

(17) *TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—*

(A) shall complete the study of the Taunton River, Massachusetts; and

(B) shall submit to Congress a report describing the results of the study.

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